

### III. REMARKS

Claims 1-25 are pending in the application.

Claims 1-25 stand rejected.

In response to the Examiner's objection, Applicants have provided a replacement Abstract.

Applicants note the corrections to the drawings requested by the Examiner, but respectfully request that they be permitted to defer such corrections until allowance of any claims.

The Examiner has rejected Claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by *Hall* et al., (U.S. Patent No. 7,085,735), hereinafter, *Hall*. Applicants respectfully traverse this objection.

*Hall* does relate to conducting the closing of a real estate sale over a computerized network. However, *Hall* is directed to a different aspect of the closing process and different issues than Applicants' claimed invention. *Hall* is directed to facilitating the satisfaction of "contract contingencies" and "closing conditions." See *Hall* Col. 1, ll. 56-65. As stated by *Hall*: "One object of the invention is to provide a system that accomplishes the electronic satisfaction of the contingencies and closing conditions of a real estate sale, thereby drastically reducing the necessity of human intervention in the closing process." Col. 3, ll. 50-54. Contingencies include obtaining financing and title insurance.

Applicants' claimed invention, on the other hand, deals specifically with facilitating the completion of and entering of data into a "settlement statement" by more than one party. *Hall* is not directed to completing settlement statements, and, in fact, *Hall* notes that settlement may not take place until all contract contingencies are eliminated. See *Hall* Col. 2, ll. 26-28. *Hall* is directed to eliminating such contract contingencies.

The Examiner cites Col. 4, ll. 26-61 of *Hall* as supposedly teaching *Applicants'* claimed invention. However, again this excerpt from *Hall* is directed to eliminating contingencies so that a sale can go forward. This excerpt discusses buyer and seller completing a closing questionnaire which includes details about each contingency, including agreed upon means for electronic removal or disapproval of each contingency and the deadline for removal or disapproval. After the questionnaire is completed, the closing server runs the due diligence modules which determine whether the contingencies have been removed or disapproved. Another due diligence module determines whether deadlines have expired. This excerpt from *Hall* does not discuss facilitating the completion of and entering of data into a settlement statement by authorized parties, as required by *Applicants'* claimed invention.

*Applicants'* claimed invention (See, e.g., Claim 1) includes at least the following aspects not taught by the excerpt cited by the Examiner:

- (i) entering, through a first authorized party, a first group of data into a settlement statement;
- (ii) entering, through a second authorized party, a second group of data into a settlement statement; and
- (iii) enabling the first party to authorize the second group of data, wherein funding and signature of the settlement statement will not occur without such authorization.

None of these claim aspects is taught by *Hall*.

*Applicants'* other claims should be allowed for at least the same reasons, and also include at least the following additional aspects not taught by *Hall*:

- (i) notifying the first party of any changes in the settlement statement (e.g., Claim 3);

- (ii) auditing data (e.g., Claim 4);
- (iii) dynamically grouping the first and second groups of data (e.g., Claim 11); and,
- (iv) enabling a third party to authorize data entered into a settlement statement (See, e.g., Claim 13).

For at least these reasons claims 1-25 should be allowed.

#### IV. CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, Examiner is requested to telephone the undersigned at 512.370.2858.

Respectfully submitted,



Michael P. Adams  
Attorney for Applicant(s)  
Reg. No. 34,763

Winstead P.C.  
P.O. Box 50784  
Dallas, TX 75201

#### CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, along with all attachments, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 27, 2008.



Signature

Austin 1\524481\1  
41722-P001US 2/27/2008